

20934. Adulteration and misbranding of Enzel. U. S. v. Elbert L. Hambright (The Spoon Laboratories, Inc.). Plea of guilty. Case ordered dismissed. (F. & D. no. 28163. I. S. no. 44572.)

This case was based on an interstate shipment of a drug preparation, known as Enzel, that was represented to be an oral antiseptic and treatment for certain diseased conditions of the mouth. Examination disclosed that it was not an antiseptic, and that it contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On March 10, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Elbert L. Hambright, Denver, Colo., alleging shipment by said defendant, under the name of the Spoon Laboratories, Inc., in violation of the Food and Drugs Act as amended, on or about September 26, 1931, from the State of Colorado into the State of Kansas, of a quantity of Enzel that was adulterated and misbranded.

Analysis of a sample of the article by this Department, showed that it consisted essentially of zinc chloride, magnesium sulphate, sodium sulphate, potassium chlorate, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be antiseptic, whereas it was not antiseptic.

Misbranding was alleged for the reason that the statement "Antiseptic", borne on the label, was false and misleading. Misbranding was alleged for the further reason that certain statements, designs, and devices appearing on the bottle labels falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for pyorrhea and trench mouth, pyorrhea and trench mouth infections, sore, tender, and ulcerated gums, and loose teeth.

On May 22, 1933, the defendant entered a plea of guilty to the information, and after a discussion of the case which disclosed that the product had not been manufactured or shipped for about a year and a half, the court ordered the case dismissed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20935. Alleged adulteration and misbranding of sodium salicylate tablets. U. S. v. Irwin, Neisler & Co. Plea of not guilty. Heard by the court on statements of counsel. Judgment of not guilty. (F. & D. no. 29392. I. S. no. 53967.)

On February 3, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Irwin, Neisler & Co., a corporation, Decatur, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 25, 1932, from the State of Illinois into the State of Iowa, of a quantity of sodium salicylate tablets. The article was labeled in part: "1000 Tablets Sodium Salicylate 5 grains Irwin, Neisler & Co. Manufacturing Pharmacists Decatur, Illinois."

The information alleged that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each tablet was represented to contain 5 grains of sodium salicylate, whereas each tablet contained not more than 4.379 grains of sodium salicylate.

The information further alleged that the article was misbranded in that the statement on the label, "Tablets Sodium Salicylate 5 Grains", was false and misleading.

The defendant company appeared through a representative and entered a plea of not guilty and waived a jury trial. On June 7, 1933, the case having been heard by the court on statements of counsel, the defendant was found not guilty.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20936. Misbranding of Cheney's red clover flowers and Dr. Gardner's Kidneyaid. U. S. v. G. S. Cheney Co., Inc. Plea of nolo contendere. Fine, \$50. (F. & L. no. 28177. I. S. no. 48075. Sample no. 9118-A.)

Examination of the drug products on which this case was based disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 18, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the G. S. Cheney Co., Inc., Boston, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 28, 1932, from the State of Massachusetts into the State of Rhode Island, of a quantity of Cheney's red-clover flowers, and on or about February 28, 1932, from the State of Massachusetts into the State of Maine, of a quantity of Dr. Gardner's Kidneyaid that were misbranded.

Analyses of samples of the articles by this Department showed that Dr. Gardner's Kidneyaid consisted essentially of pipsissewa leaves, althea root, sassafras bark, and triticum; and that Cheney's red clover flowers consisted essentially of red clover flower (*Trifolium pratense*).

The information alleged misbranding of the red-clover flowers in that certain statements appearing on the package, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a thorough blood purifier and as the best medicine to use as a key to health and long life; effective as a treatment, remedy, and cure for rheumatism, swollen or stiff joints and neuritis, no matter how old the sufferer or how long standing the case; and effective as a treatment for cancers, cancerous conditions of the blood, scrofulous humor, pimples, and blood diseases, rheumatism and uric acid poisoning. The information alleged misbranding of Dr. Gardner's Kidneyaid in that certain statements on the packages falsely and fraudulently represented that it was effective as a kidney aid, and as a relief and cure for kidney, liver and bladder troubles; effective as a cure for Bright's disease, acute and chronic kidney, liver, bladder and urinary disorders; and effective as a thorough blood purifier.

On May 8, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture*.

20937. Misbranding of Ferrac and Exto-Rac. U. S. v. 1,440 Bottles of Ferrac and 60 Bottles of Exto-Rac. Default decrees of condemnation, forfeiture and destruction. (F. & D. nos. 27216, 27217. I. S. nos. 21222, 21223. S. no. 5382.)

Examination of the drug products Ferrac and Exto-Rac involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the Exto-Rac also showed that it was not antiseptic, when used as a douche as directed in the labeling.

On or about November 23, 1931, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,440 bottles of Ferrac and 60 bottles of Exto-Rac at Atlanta, Ga., alleging that the articles had been shipped in interstate commerce, the former on or about October 5, 1931, and the latter on or about October 9, 1931, by the Greenville Products Co., from Greenville, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that each of them consisted essentially of the sulphates of iron, aluminum, calcium, magnesium, sodium and potassium, and water.

It was alleged in the libel that Ferrac was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the circular shipped with the article, were false and fraudulent:

"Ferrac What It Is Red Blooded Men The expression, 'a red blooded man', is founded solidly on scientific fact, for scientific research in many laboratories has bit by bit revealed some fascinating and important ways in which the human body converts iron into energy, vigor and endurance. Iron is a part of the solid material of the red corpuscles and since nearly 200 years ago when scientists learned that iron is a necessary part of the blood, physicians have prescribed it as a builder of health and vigor. But it is essential that we get our iron from the right chemical compound. The body seems to prefer to take its iron as the metal leaves a compound in which it has been locked away, or while it is still in the nascent or new-born state. The mineral salts of iron have been found much better for yielding the nascent material desired for the body than the organic compounds put up by plants, because the mineral compounds are more easily broken down, and the iron, therefore, more easily taken by the body. Sulphate of iron as found in Ferrac is such a mineral salt, and when taken into the stomach, supplies the iron necessary